

REMARKS

The Examiner is thanked for due consideration to the application. Claims 28-61 are pending in the application.

The Official Action has restricted the claims of the invention into the following groups:

Group 1, claims 28-46 and 61, drawn to a method for testing and selecting an agent to determine whether the agent inhibits or stimulates clonal growth;

Group 2, claims 47-58, drawn to a method for inhibiting clonal growth; and

Group 3, claims 59 and 60, drawn to a method for the stimulating clonal cell growth.

Applicant elects Group I (claims 28-46 and 61) with traverse.

The Official Action additionally sets forth the election of species if Group I is selected;

1. drugs;
2. food/food additives;
3. toxins/potential toxins;
4. microbes;
5. components of a physiological process; and
6. components of a pathological process.

The Official Action sets forth additionally that claims 28-61 are generic to the species. ***Applicant elects species 1, drugs, with traverse.***

Traverse is proper because the subject matter of Groups 1, 2 and 3 are so intimately interrelated that no undue burden of search and/or consideration is placed upon the Examiner.

Further, unity in the invention was found in the International Preliminary Examination Report the International Search Report in the PCT application.

Additionally, in the Official Action, prior art is relied upon to assert that the invention listed as Groups 1-3, failed to relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding technical features.

However, this art (VERMA et al. and WO 01/00585) are evidence that consideration and/or search has already been performed on the present invention. There is therefore no additional burden placed upon the Examiner to continue consideration and examination on the merits of all of the claims of the present invention.

Accordingly, rejoinder and consideration of all of the claims and purported species of the present invention is respectfully requested.

Alternatively, rejoinder is respectfully upon indication of allowable subject matter.

Conclusion

Early and favorable consideration on the merits is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Robert E. Goozner, Reg. No. 42,593
Customer No. 00466
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

REG/lad